CORRESPONDENCE.

GARNISHMENT OF DEPOSITS IN NATIONAL BANKS.

Editor Virginia Law Register:

I have read with much interest Mr. George Bryan's article in the September VIRGINIA LAW REGISTER (p. 327), entitled "*Attachments against National Banks.*" There is one phase of the question not touched upon by Mr. Bryan, upon which the U. S. Supreme Court has expressly passed.

In *Earle* v. *Pennsylvania*, 178 U. S. 450, it was held that an attachment against a national bank *as garnishee* is not an attachment against the bank or its property, nor a suit against it, within the meaning of U. S. Rev. Stat., sec. 5242. Mr. Justice Harlan saying, "Whatever may be the scope of sec. 5242, an attachment sued out against the bank *as garnishee* is not an attachment against the bank or its property, nor a suit against it, within the meaning of that section. It is an attachment to reach the property or interests held by the bank for others."

JAMES H. CORBITT.

Suffolk, Va.

A CORRECTION.

(*Fidelity & Casualty Co.* v. *Hubbard*, 8 Va. Law Reg. 406).

Editor Virginia Law Register:

In the October number of the VIRGINIA LAW REGISTER is published the opinion of Judge H. C. McDowell in the case of *The Fidelity & Casualty Co.* ads. *R. M. Hubbard.* This opinion is a very able one, and I find no reason to dissent from its conclusions.

There is, however, in it a statement of fact, which in your note you seem to think of some importance, which needs correction. The opinion states: "In the case at bar, the writ was duly executed and returned to the first June rules and at that time the declaration was filed. *The defendant did then enter an appearance.*" The latter sentence is incorrect. The fact is, and the record, both in the corporation court and in the District Court of the United States, distinctly shows, that the declaration was filed at the first June rules, and the defendant not having appeared, the common order was entered; and again at the second June rules, that the defendant still failed to appear, and the common order was confirmed. The defendant did not appear in the suit in any way whatever until the first day of the July term of the court, to-wit, the 7th day of July, 1902, and not the 7th day of June, as printed in the opinion, and on that day appeared for the first time to file its petition for removal.

I do not personally think that these errors affect materially the conclusions of the court, and indeed the opinion itself will show upon careful reading the error as to appearance, as it states "At first June rules the declaration was filed and the common order was entered, and at second June rules the common order was confirmed, and writ of inquiry ordered as the company had failed to appear."

This of course could not happen if the defendant had appeared either at the first or second June rules.

I venture to call your attention to this matter, as it is well to keep our records straight.

Danville, Va. RERRYMAN GREEN.

[The error in substituting 'June' for 'July' was the printer's. In other respects the printer followed the official copy. We are indebted to our learned correspondent for the corrections made.—EDITOR VA. LAW REGISTER.]

RECOLLECTIONS OF A REGISTRAR.

Editor Virginia Law Register:

It may be of interest to record some of the humorous side-lights of the recent proceedings of a board of registration in the enforcement of the laws for the registration of the electors in this State.

Many and varied as were the experiences of the registration board, of which I was a member, I do not presume that the experience of our board was in any wise different from that of hundreds of others, but I believe I am safe in asserting that the same incidents could not, and did not, occur elsewhere. I submit some of those that appear most ludicrous, and, with one exception, at the expense of the negro applicant for suffrage.

The definition of "General Assembly" seemed to be the *bete noir* of the colored brethren, and the definition of that term varied with each applicant. One answered that the General Assembly was the "President"; another that it meant the "Constitution," whilst still another said that "enny 'sembly of de people is de Gen'l 'Sembly."

I remember reading, some time ago, various humorous answers of children to questions propounded by teachers in history. Among them was this: "Philip II was born in the absence of his parents." The answer of a darkey to the question whether his father fought in any war, is, I believe, equally good. He said, "No, sah; my father died two years befo' I wuz born!" Some of the answers, however, by the would-be voters were so humorous and, in a measure, so truthful, that the respondents should have been permitted to qualify. When asked the definition of "perjurer," one negro, looking solemn and wise, and with an air of expectant victory, said, "Perjurer? Why dats a successful business man, cose." Another being asked what "suffrage" meant, replied that it meant "all suffered alike." Among other applicants was old Uncle Jim, who, through his employment as furnace-man in the Law Building, had lived for some years in a legal atmosphere. The writer, desiring to keep in Uncle Jim's good graces and thereby insure a well-heated office during the coming winter, proceeded, as he thought, to let Uncle Jim down light. He was asked "Who made the laws?" It seemed that Uncle Jim had absorbed too much "atmosphere," for he quickly replied, "De lawyers." The truth of the statement, however, conflicted with the legal fiction that our laws are made by the General Assembly, and Uncle Jim was sent back to absorb a more orthodox legal atmosphere.

Later came one who might have sat for the picture of "Sam" in "Marse Chan"—elderly, polite, black, and *ante bellum*. "Well, uncle, who do you think